

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOE LEWIS LUQUE, *et al.*,

Plaintiffs,

v.

AT&T CORP., *et al.*,

Defendants.

Case No. 3:09-CV-5885 (CRB)(JCS)

**PROPOSED ORDER GRANTING FINAL SETTLEMENT APPROVAL, AWARDING
ATTORNEYS' FEES AND COSTS, AND AWARDING SERVICE PAYMENTS**

WHEREAS this matter comes before the Court on the unopposed request of Plaintiffs Joe Lewis Luque, Herman Richardson (the "Class Representatives"), and the settlement class/ collective action that they represent (collectively, "Plaintiffs") for

- (1) final approval of the Settlement of this case as memorialized in the Settlement Agreement (Doc. 192) including the award of service payments for the two named Plaintiffs, three potential named Plaintiffs, and thirty-seven deponents, expenses, and attorneys' fees; and
- (2) entry of an Order and Judgment dismissing this action with prejudice; and

WHEREAS, Plaintiffs and Defendants entered into the Settlement Agreement to settle this Class and Collective action; and

WHEREAS, the Court entered an Order, dated November 19, 2012, certifying the Class for settlement purposes under Federal Rule of Civil Procedure 23 and 29 U.S.C. § 216(b) of the Fair Labor Standards Act, preliminarily approving the Settlement Agreement, ordering Notice to Class Members, and scheduling a Final Fairness Hearing; and

1 WHEREAS, the Court has reviewed and considered the proposed Settlement Agreement and the
2 unopposed submissions of the Plaintiffs in support thereof, and has held oral argument at the Final
3 Fairness Hearing in this matter on April 26, 2013,

4 NOW THEREFORE,

5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:
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7 Upon consideration of the Plaintiffs' unopposed motion for final approval of the Settlement
8 Agreement, attorneys' fees and costs, and service payments, and upon the Court's review of the
9 Settlement Agreement and exhibits thereto, IT IS HEREBY ORDERED AS FOLLOWS:

10 1. Definitions. For purposes of this Order, the Court adopts by reference the definitions set
11 forth in the "Definitions" section of the Settlement Agreement.

12 2. Notice. The Court finds that dissemination of the Notice as provided for in the
13 Preliminary Approval Order constituted the most effective and practicable notice, under the
14 circumstances, to all Settlement Class Members concerning the pendency of this action, the proposed
15 Settlement and the final fairness hearing, and constituted due and sufficient notice to all persons entitled
16 to receive notice required by due process and Rule 23(b)(3) of the Federal Rules of Civil Procedure, the
17 Fair Labor Standards Act and any other applicable law.

18 3. Final Approval of the Agreement. The Court finds that the proposed Agreement is
19 APPROVED as fair, reasonable and adequate, pursuant to Rule 23(e)(1)(C) of the Federal Rules of Civil
20 Procedure, and as meeting the applicable standards for settlement under the Fair Labor Standards Act.
21 The Court further finds that each and every term, provision, condition and agreement of the Settlement
22 Agreement, including all exhibits thereto, apply and are adopted, incorporated, and made part of this
23 Judgment, as if copied herein, and shall be effective, implemented and enforced as provided in the
24 Settlement Agreement.

25 4. Service Awards. The Court approves service awards of \$5,000 to the two Named
26 Plaintiffs, \$1,000 to the three proposed Named Plaintiffs, and an award of \$1,000 to each of the other 37
27 class member deponents, which the Court finds to be reasonable, fair and appropriate.
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5. Jurisdiction. The Court finds that it has jurisdiction over the subject matter of the Action, the Settlement Class Representatives, the other Settlement Class Members, and the Defendants. Without affecting the finality of the Judgment, the Court reserves exclusive and continuing jurisdiction and venue with respect to the consummation, implementation, enforcement, construction, interpretation, performance and administration of the Settlement Agreement and/or Judgment.

6. Attorneys' Fees, Costs, and Expenses. The Court awards to Settlement Class Counsel Attorneys' fees in the amount of \$4,316,803.28, constituting 25% of the net settlement fund, and costs and expenses in the amount of \$346,709.78, which amounts the Court finds are fair, adequate and reasonable. The amounts shall be paid out of the Settlement Fund by the Claims Administrator no later than thirty (30) calendar days after entry of this Order.

7. Dismissal with Prejudice. The Court finds that this class and collective action is hereby DISMISSED WITH PREJUDICE.

8. Entry of Judgment. There being no just reason to delay entry of this Judgment, the Clerk of the Court is ordered to enter this Judgment forthwith, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

SO ORDERED THIS 23 DAY OF May, 2013.

HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA